

APPEAL NO. 021158
FILED JUNE 6, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on April 8, 2002. The hearing officer determined that the compensable injury extended to include injuries to the bladder and right shoulder, but not bilateral carpal tunnel syndrome. The appellant (self-insured) appeals the determination with regard to the bladder and right shoulder, on sufficiency grounds. The respondent (claimant) urges affirmance. The hearing officer's determination with regard to bilateral carpal tunnel syndrome was not appealed and is, therefore, final. Section 410.169.

DECISION

Affirmed.

The hearing officer did not err in determining that the compensable injury extends to include injuries to the bladder and right shoulder. The determination involved a question of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence, including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). In view of the medical evidence presented, we cannot conclude that the hearing officer's determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The self-insured takes issue with the wording of the hearing officer's determination with regard to the bladder injury. Conclusion of Law No. 4 provides, "Claimant did suffer a continuation injury when his bladder was damaged during insertion of the catheter for surgery for the lumbar spine injury." The self-insured asserts that a "continuation injury" is not a compensable injury as a matter of law, and that to be compensable there must be an aggravation injury. However, injuries that result from medical treatment of the compensable injury become part of the injury. Texas Workers' Compensation Commission Appeal No. 981422, decided August 10, 1998. The hearing officer found that a preexisting bladder problem was, in fact, aggravated. As indicated above, the hearing officer's determination on this matter is not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain.

The decision and order of the hearing officer are affirmed.

The true corporate name of the self-insured is **MEDICAL CENTER HOSPITAL** and the name and address of its registered agent for service of process is

**STACY TROTTER
SCHAEFER, DAVIS, ASHLEY, O'LEARY & STOKER
700 N. GRANT, SUITE 201
ODESSA, TEXAS 79760.**

Susan M. Kelley
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Philip F. O'Neill
Appeals Judge